

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:18-MJ-165

KYLE EDWARD D'AQUILLA (01)

JOINT MOTION TO EXTEND TIME TO INDICT

The government, joined by defendant Kyle Edward D'Aquila, files this Joint Motion to Extend Time to Indict:

1. On March 14, 2018, a criminal complaint was filed against the defendant alleging possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). The defendant appeared before this Court on May 10, 2018. The government moved to detain the defendant at his initial appearance. The defendant waived his detention hearing, but requested a preliminary hearing. On May 15, 2018, the defendant waived his preliminary hearing. The Court found that probable cause existed to believe that the defendant committed the charged offense, and that the defendant should be detained pending further proceedings.
2. Under the Speedy Trial Act, an indictment must be returned on the instant charge within thirty days from the date on which such [defendant] was arrested . . . in connection with such charges. 18 U.S.C. § 3161(b).
3. The parties request the Court to extend the time in which an indictment must be returned until July 10, 2018. This would be an extension of approximately 26 days.

The 30th day would fall on or about June 15, 2018, not counting excludable time under 18 U.S.C. § 3161(h).

4. The reasons for the request are set forth below:

- a. The parties are in the process of discovery and plea negotiations. This process will likely impact the charges presented to the grand jury.
- b. Granting an extension of time to indict would be in the interest of judicial economy. If the thirty-day time period is extended, it is possible that a plea agreement can be reached, thus negating the need to indict.

5. The parties believe that such an extension would serve the ends of justice and outweigh the best interest of the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

The parties submit that the request is not made in an effort to unduly delay the proceedings; but rather to insure that justice is achieved.

6. Both the government and the defendant join in this request.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY


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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Jaidee Serrano, counsel for defendant and she communicated on behalf of her client that this motion is unopposed.



CHRISTOPHER R. WOLFE
Assistant United States Attorney

CERTIFICATE OF SERVICE

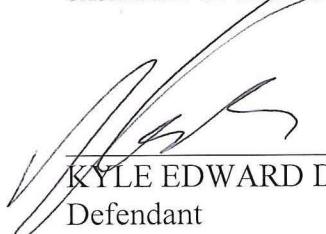
I certify that a true and correct copy of the above pleading was served upon counsel for the defendant in accordance with the provisions of Rule 49 of the Federal Rules of Criminal Procedure on the 22 day of May 2018.



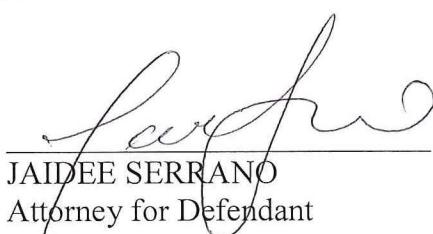
CHRISTOPHER R. WOLFE
Assistant United States Attorney

CONCURRENCE BY DEFENDANT

I, Kyle Edward D'Aquila, having been informed of my right to be indicted within 30 days of the filing of the Criminal Complaint and after consultation with my attorney, knowingly and voluntarily waive my right to be indicted within 30 days of the filing of the Criminal Complaint, join in this motion, and request that the Court grant the extension of time to indict pursuant to 18 U.S.C. § 3161.



KYLE EDWARD D'AQUILLA
Defendant



JAIDEE SERRANO
Attorney for Defendant